UNITED
NATIONS

CCPR

International covenant on civil and political rights

Distr.
GENERAL

CCPR/C/71/L/HRV
15 November 2000

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Seventy-first session

LISTS OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF CROATIA (CCPR/C/HRV/99/1)

Constitutional and legal framework within which the Covenant and Optional Protocol are implemented, state of emergency (arts. 1, 2, 4 and 5, Optional Protocol)

1. What is the precise status of the Covenant in the State party's domestic law? Please give examples of cases in which the Constitutional Court has:

(a) Considered the validity of legislation on grounds of inconsistency with the Covenant under article 134 of the Constitution;

(b) Considered an application by any litigant who claims that his or her human rights, as set out in the Covenant, have been infringed by domestic law or administrative action (report, paras. 87-89).

2. Please explain the compatibility of the derogation provisions of article 101 of the Constitution, particularly the provision for derogation "when the government bodies are prevented from regularly performing their constitutional duties", with article 4 of the Covenant. Have any of these derogation provisions been invoked in practice (report, paras. 77-80)?

3. Please describe the procedures or mechanisms in place for the implementation of any Views which may be adopted by the Committee under the Optional Protocol.

Freedom of movement (art. 12)

4. Please explain what measures have been taken to address the situation of Croatian refugees of Serb origin presently in the Federal Republic of Yugoslavia or other countries who have expressed their desire to return. Are they in a position to obtain the necessary identity documents and to recover their properties without difficulties?

Rights to life, liberty and security (arts. 2, 6, 7, 9, 16 and 17)

5. In the light of allegations that ethnically motivated killings have occurred, what measures have been adopted to combat such crimes and expeditiously prosecute the perpetrators?

6. What effective steps have been taken to cooperate fully and in all cases with the International Criminal Tribunal for the Former Yugoslavia, for the purpose of bringing to justice those guilty of serious war crimes and other grave breaches of international humanitarian law?

7. Please provide information on disappeared persons, and on results of inquiries carried out with a view to ascertaining their whereabouts.

8. What legal avenues are available to pursue complaints of criminal conduct against members of the police forces and other law enforcement authorities, and to recover compensation when such claims are made? Please provide statistics on the number of such cases that have been brought, and details of such cases and their outcomes.

9. What progress has been made in investigating and prosecuting members of police, security and armed forces and others who committed offences of rape and other violence against women, and other crimes against the civilian population in the period of armed conflict?

Elimination of slavery and servitude (art. 8)

10. In the light of reports of a significant number of persons being trafficked through the territory of the State party en route to other States, do the criminal provisions of article 178 of the Criminal Code on international prostitution also apply to those who are transporting trafficked persons through the territory of the State party, but who are initially recruited in other States? What measures has the State party taken to counter these practices in its territory (report, para. 147)?

Expulsion of aliens (art. 13)

11. Please provide further details on the sentences of "security measure of expulsion" and "security measure of removal" that may be passed upon an alien requiring him or her to leave the territory of the State party, under the Law on Movement and Temporary Residence of Aliens. Does provision exist for appeal or review of such a sentence (report, paras. 282-283)?

12. Please indicate whether the granting of temporary residence to aliens is limited to those with means for their support, or whether there are further categories of aliens granted this status (report, para. 289).

13. Please provide statistics on the number of persons whose permanent residence has been revoked on the ground of criminal conduct, or of being without means of subsistence, or for reasons of protection of national security or the legal order, since the entry into force of the Law on the Movement and Temporary Residence of Aliens (report, para. 291).

Right to a fair trial (art. 14)

14. What measures have been adopted, or are proposed, to reduce the significant backlog of cases pending before the State party's courts?

15. In the light of alleged difficulties that have been experienced in the enforcement and implementation of court orders, in particular in the eviction of illegal occupants of land by police, please describe the means available for the enforcement of final judgements.

Freedom of expression, rights to peaceful assembly and free association (arts. 19, 21 and 22)

16. What restrictions are imposed upon the freedom of the press? Are they compatible with article 19 (report, paras. 437-440)?

17. Please describe the composition of and the criteria employed by the Commission for Appeals with the Ministry of the Interior when hearing appeals against decisions of the police administration to prohibit a public assembly. What is the time-frame for the Commission to hand down its decision in such cases (report, para. 468)?

18. Please describe the restrictions that the Law on Associations (1997) imposes on the establishment and free operation of associations. Please explain how they are compatible with article 22.

Right to privacy, family, home and correspondence (art. 17)

19. Please elaborate on the restrictions on freedom and privacy of correspondence and all other forms of communication that are provided in law for the protection of State security and the conduct of criminal proceedings (report, paras. 370-371).

Equality and the principle of non-discrimination (arts. 2, 3 and 26)

20. What measures have been taken, or are intended to be taken, to enhance the status of women in public life, particularly in the political area and public service (Parliament and government)? Please provide further information on the participation of women in the economic sector, especially at senior levels, and measures to ensure equal pay for men and women (report, paras. 61-66 and 74).

21. Please expand on the measures existing and proposed to combat and eliminate violence against women, including in the home. Please report on the measures taken to increase public awareness of these issues and the avenues of assistance available to victims (report, paras. 71 and 72).

Right to free and fair elections (art. 25), protection against discrimination and rights of persons belonging to minorities (art. 27)

22. Is there adequate representation of national minorities in Parliament under the election law passed by Parliament in 1998? If not, what steps does the State party propose to take in order to redress the imbalance in the representation of minorities in Parliament (report, paras. 595-597, 600 and 625)?

23. Please explain what measures are being taken to prevent discrimination against persons belonging to minorities, as a matter of practice as well as in law, particularly with respect to the members of the Serbian minority but also other non-ethnic Croatians. Please provide, in particular, further information regarding measures to prevent discrimination in relation to employment, education, housing, restitution of property and social programmes (report, paras. 606-608, 622-636).

Dissemination of information relating to the Covenant and the Optional Protocol

24. Please describe the steps taken to disseminate information on the submission of this initial report and its consideration by the Committee, in particular on the Committee's concluding observations.

25. What programmes are in progress to train the judiciary to uphold the rights contained in the Covenant?

26. Please provide information on training and education on the Covenant and the Optional Protocol procedure provided to public officials. Please also describe the steps taken to increase the awareness and understanding of the Covenant and the Optional Protocol procedure amongst the general public, including ethnic and linguistic minorities.